



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Chen )  
Serial No.: 09/803,289 ) Confirmation No. 7132  
Filing Date: March 9, 2001 )  
Examiner: O. Escalante )  
Art Unit: 2645 )  
Attorney Docket: P12595-US1 (011317-58) )  
Title: Method and Apparatus for Maintaining Traffic )  
Capacity in a Wireless Communication System )  
Including Automatic Frequency Allocation )  
(AFA) )

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Technology Center 2600

Commissioner of Patents  
Post Office Box 1450  
Alexandria, VA 22313-1450

DECLARATION UNDER 37 C.F.R § 1.131

I, Dayong Chen, do hereby declare that:

1. I am the applicant of the above-identified patent application and inventor of the subject matter described and claimed therein.

2. Between the dates of March 9, 1999 and December 6, 2000, while working in the United States, I conceived the idea of the frequency allocation technique that maintains traffic capacity in wireless network as described and claimed in my application. The attached invention disclosure form was prepared by me, signed, and dated in the course of working on the invention. The invention disclosure form contains five sketches, which were prepared and included in the form prior to me executing the form. The invention disclosure form is attached hereto as Exhibit A and all dates on the Exhibit have been redacted. The date on which the disclosure form was executed falls between March 9, 1999 and December 6, 2000. The sketches, labeled Figure 1, Figure 2, Figure 3, Figure 4, and Figure 5, substantially correspond to Figures 4, 1, 2, 8, and 9, respectively, within the above-identified patent application.

3. Subsequent to my preparation of the document described above, it was provided to Ericsson's in-house patent department.

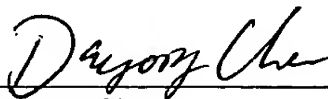
4. On information and belief, subsequent to my preparation of the document described above and its provision to Ericsson's in-house patent department, a letter was sent from Ericsson in-house patent attorney Stephen A. Calogero to the attorney of record, Steven B. Phillips, requesting that the above-identified patent application be prepared and filed in the U.S. Patent and Trademark Office. The letter was signed on Mr. Calogero's behalf by Winters Hankins, an employee of Ericsson's in-house patent department. A copy of this letter is attached hereto as Exhibit B, and all dates on the Exhibit have been redacted.

5. I executed the declaration of inventorship for the above-identified application on March 7, 2001. The declaration of inventorship is on file at the U.S. Patent and Trademark Office with the above-identified application.

6. The above-identified patent application was filed on March 9, 2001.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

This declaration was executed by me on the date indicated.

 Date: July 14, 2004  
Dayong Chen